

JS 44C/SDNY

REV.

10/01/2020

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Lisber Perez Argueta, Fernando Romero Reyes, and Jose Reyes Rodriguez

DEFENDANTS

Vistamar Restaurant and Lounge Corp., and Rafael Robles

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Pechman Law Group PLLC
488 Madison Avenue
New York, NY 10022; Tel: 212-583-9500

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Fair Labor Standards Act, 29 U.S.C. § 201, et seq. Defendant's failure to pay wages and other monies in compliance with the FLSA.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously AssignedIf yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] LIABILITY	INJURY/PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	[] 365 PERSONAL INJURY	[] 690 OTHER	28 USC 157	REAPPORTIONMENT
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	PROPERTY RIGHTS		[] 410 ANTITRUST
[] 151 MEDICARE ACT	[] 340 MARINE	PERSONAL PROPERTY	[] 820 COPYRIGHTS	[] 880 DEFEND TRADE SECRETS ACT	[] 430 BANKS & BANKING
[] 152 RECOVERY OF DEFECTUALTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 830 PATENT		[] 450 COMMERCE
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION		[] 460 DEPORTATION
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY		[] 840 TRADEMARK	SOCIAL SECURITY	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 190 OTHER CONTRACT	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[] 861 HIA (1395f)	[] 480 CONSUMER CREDIT
[] 195 PRODUCT LIABILITY	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE	[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 485 TELEPHONE CONSUMER PROTECTION ACT
[] 196 FRANCHISE	ACTIONS UNDER STATUTES	PRODUCT LIABILITY	[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIWV (405(g))	[] 490 CABLE/SATELLITE TV
	CIVIL RIGHTS		[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[] 864 SSID TITLE XVI	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
		[] 530 HABEAS CORPUS	[] 790 OTHER LABOR LITIGATION	[] 865 RSI (405(g))	[] 890 OTHER STATUTORY ACTIONS
		[] 535 DEATH PENALTY	[] 791 EMPL RET INC SECURITY ACT (ERISA)	28 USC 7809	[] 891 AGRICULTURAL ACTS
		[] 540 MANDAMUS & OTHER			[] 893 ENVIRONMENTAL MATTERS
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)				[] 895 FREEDOM OF INFORMATION ACT
[] 210 LAND CONDEMNATION	[] 441 VOTING	PRISONER CIVIL RIGHTS	IMMIGRATION		[] 896 ARBITRATION
[] 220 FORECLOSURE	[] 442 EMPLOYMENT		[] 462 NATURALIZATION		[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	APPLICATION		[] 950 CONSTITUTIONALITY OF STATE STATUTES
[] 240 TORTS TO LAND	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 550 CIVIL RIGHTS	[] 465 OTHER IMMIGRATION		
[] 245 TORT PRODUCT LIABILITY		[] 555 PRISON CONDITION	ACTIONS		
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.

AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|---|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| | | | <input type="checkbox"/> a. all parties represented | | | |
| | | | <input type="checkbox"/> b. At least one party is pro se. | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [] 3	DEF [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4	[] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Lisber Perez Argueta - Bronx County, NY
 Fernando Romero Reyes- Bronx County, NY
 Jose Reyes Rodriguez - Bronx County, NY

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Vistamar Restaurant & Lounge - 565 City Island Ave, Bronx, NY
 Rafael Robles - c/o Vistamar Restaurant & Lounge - 565 City Island Ave, Bronx, NY

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: **THIS ACTION SHOULD BE ASSIGNED TO:** WHITE PLAINS MANHATTAN

DATE 03/27/2023

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

RECEIPT #

[] NO
 YES (DATE ADMITTED Mo. 12 Yr. 1986)
 Attorney Bar Code # LP-6395

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)